

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

MAYTAG CORPORATION, et al.,)	
)	
Plaintiffs,)	
)	Civil Action No. 08-CV-00291
v.)	
)	
INTERNATIONAL UNION, UNITED)	
AUTOMOBILE, WORKERS)	
OF AMERICA, et al.,)	
)	
Defendants.)	

**PLAINTIFFS' COURT ORDERED SUPPLEMENT
IN SUPPORT OF PLAINTIFFS' BILL OF COST**

NOW COME Plaintiffs, Maytag Corporation and Whirlpool Corporation (herein referred to collectively as the "Company" or the "Plaintiffs"), through their counsel, submit the following Court ordered Supplement In Support Of Plaintiffs' Bill Of Costs:

1. On July 21, 2011, the Court issued an Order, inter alia, directing the Clerk to enter a judgment in favor of Plaintiffs. The Court also directed the parties to file briefs on the issue of costs and attorneys' fees within fourteen (14) days of the entry of the Order.
2. On July 25, 2011, the Clerk entered judgment in favor of Plaintiffs.
3. On July 31, 2011, the Court issued an Order clarifying that the calculation of the fourteen (14) days for the parties to file their respective briefs on the issue of costs and attorneys' fees began on July 22, 2011.
4. On August 5, 2011, the parties filed a Joint Statement with the Court stating that neither party would seek attorneys' fees in this matter, and thus, neither would file a brief on the issue of attorneys' fees. The parties further stated that Plaintiffs would separately be filing a brief on the issue of costs and a Bill of Costs.

5. On that same date, Plaintiffs filed their Bill of Costs and supporting documentation.¹

6. On August 22, 2011, Defendants filed their Objections to Plaintiffs' Bill of Costs.

7. On August 31, 2011, Plaintiffs filed a limited Reply In Support Of their Bill of Costs. Plaintiffs' failure to respond to each of Defendants' objections, however, did not represent that Plaintiffs conceded that Defendants' objections were correct.

8. On September 14, 2011, the Court issued an Order directing Plaintiffs to provide additional information as to the reason for copying of documents so that a "determination can be made as to whether it was 'necessarily obtained for use in this case.'"

9. Additional information as to the reasons why the copying of documents were "necessarily obtained for use in this case" are included in the attached Exhibit A.²

¹ On August 10, 2011, Plaintiffs' filed an Unresisted Motion for Leave to File Inadvertently Omitted Documentation In Support of Plaintiffs' Bill of Costs, which the Court granted that same date. On August 11, 2011, the Court filed an Errata to Plaintiffs' Bill of Costs.

² Plaintiffs have not provided an explanation for all copying costs. To the extent the copying cost was too small and/or too difficult to determine the reason for the copying, Plaintiffs did not provide any additional information.

WHEREFORE, Plaintiffs, Maytag Corporation and Whirlpool Corporation, respectfully request the Court to enter an Order directing the Defendants to pay Plaintiffs' costs in this matter commensurate with the Bill of Costs previously submitted as supplemented and amended by the attached hereto.

Respectfully submitted,

/s/ Douglas A. Darch
Douglas Darch
Miriam Geraghty
Meagan LeGear
Baker & McKenzie LLP
130 E. Randolph Drive
Chicago, IL 60601
Telephone: (312) 861-8933
Facsimile: (312) 698-2965
E-mail: douglas.darch@bakernet.com

Gene R. La Suer
Deborah Tharnish
Davis, Brown, Koehn, Shors & Roberts,
P.C.
The Davis Brown Tower
Des Moines, Iowa 50309-3993
E-mail: GeneLaSuer@davisbrownlaw.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on September 23, 2011, he caused the foregoing to be filed. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties below not indicated on the electronic filing receipt will be served via electronic mail or U.S. Mail. Parties may access this filing through the Court's filing system.

Mark T. Hedberg
HEDBERG & BOULTON P.C.
100 Court Avenue, Suite 425
DES MOINES, IA 50309
515 288 4148
515 288 4149 (fax)
mthedberg@uswest.net

Robert A. Seltzer
CORNFIELD AND FELDMAN
25 E. Washington Street
Suite 1400
Chicago, IL 60602-1803
312 236 7800
312 236 6686 (fax)
rseltzer@cornfieldandfeldman.com

Barry A. Macey
Macey Swanson and Allman
445 N. Pennsylvania Street,
Suite 401
Indianapolis, Indiana 46204
(317) 637-2345
bmacey@maceylaw.com

/s/ Douglas A. Darch
Douglas A. Darch